

Parliamentary question

16 March 2011

E-002519/2011

Question for written answer
to the Commission

Rule 117

Marietje Schaake (ALDE) and Ana Gomes (S&D)

► Subject: United Nations' financial contribution to ICC investigation into Libya

On 3 March 2011, the Prosecutor of the ICC announced that the ICC is to open an investigation into human rights violations in Libya after the referral of the UN Security Council (UNSC) as laid down in Resolution 1970(2011) <http://www.icc-cpi.int/NR/rdonlyres/2B57BBA2-07D9-4C35-B45E-EED275080E87/0/N1124558.pdf>

Recital 8 of Resolution 1970(2011) states that the expenses incurred in connection with the referral, including expenses related to investigations or prosecutions in connection with that referral, shall not be borne by the UN, but by the parties to the Rome Statute (including all 27 EU Member States) and those States that wish to contribute voluntarily.

1. Can the Commission confirm that EU Member States (i.e. France, the UK, Germany and Portugal) that are currently also members of the UNSC have coordinated with the Council to act with the consent of all the Member States on the recognition in the Resolution that none of the expenses related to the referral shall be borne by the UN? If not, does the Vice President/High Representative approve of a situation in which EU Member States in the UNSC can conclude — without prior coordination and consent — binding agreements that (financially) affect all 27 EU Member States, and if so, why?
2. Is the VP/HR willing to call upon both EU Member States and UN members to voluntarily financially contribute to (UN referred) ICC investigations, and if not, why not?
3. Is the VP/HR willing to call upon the UN to contribute voluntarily to the ICC regarding possible witness protection programmes and/or bringing about the possible conviction of members of the Libyan regime, and if not, why not?
4. Does the VP/HR agree that proactive cooperation, despite the fact that the US has not ratified the Rome Statute, should be welcomed, but that it would be important for the US to consider making funds available to cover the expenses of the ICC to substantiate its role in the referral of cases to the ICC via the UN SC, and if not, why not?
5. Is the VP/HR willing to address the issue of the funding of the ICC during the next Transatlantic Economic Council, and if not, why not?